

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**MINUTES**  
**ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER**  
**June 11, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Griffin Hanna, Matt Marshall and Bob Cooper. Brian Trumbly was absent.

Chairman Keesee then called for a motion on the minutes from the May 14, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the minutes as submitted.

Mr. Wally Bailey spoke on the procedures.

- 1. Kelley Ridge Office Park – Preliminary Plat, Lots 1 to 6 – Blake Peacock/Hawkins-Weir Engineers, Inc.**
- 2. Kelley Ridge Office Park – Final Plat, Lots 1 to 6 – Blake Peacock/Hawkins-Weir Engineers, Inc.**

Chairman Keesee introduced items 1 and 2. Ms. Brenda Andrews read the staff report, indicating the approval of the proposed preliminary and final plats would facilitate future development. She specified that the subject property is on the south side of Cliff Drive, east of Old Greenwood Road, containing an area of approximately 15.78 acres.

Mr. Blake Peacock was present to represent these applications. There were none present in opposition.

Ms. Andrews stated that staff recommended approval of the preliminary and final plats with the following comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plats must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

There being no discussion, Chairman Keesee called for a motion on item 1—the preliminary plat. Commissioner Kelly Wilson moved, seconded by Commissioner Vicki Newton, to approve the request subject to staff comments. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the preliminary plat was approved.

Chairman Keesee then called for a motion on item 2—the final plat. Commissioner Ret Taylor moved, seconded by Commissioner Bob Cooper, to approve the request with staff comments. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the final plat was approved.

**3. Rezoning Application #8-5-19; A request by Ron Brixey, agent for Baxter Hillside Ranch, LLC, for a zone change from Not Zoned to Residential Single Family Low Density (RS-1) by extension at 6405 Rye Hill Road East.**

Chairman Keesee introduced item 3. Ms. Andrews presented the staff report, stating that the property was located on the south side of Steep Hill Road, north of Rye Hill Road, between Steep Hill Cutoff Road and Old Highway 71. Ms. Andrews stated that approval of the zoning will facilitate the subdivision of the property for single family homes. Further, she indicated this item was tabled at the May 14, 2019, Planning Commission meeting. Ms. Carla Slobodnic at 6200 Rye hill Road East spoke with concerns regarding future lot sizes. She also stated that the minimum lot size should be at least 3 acres to be compatible with the lots in Riley Farms.

A representative of Bolding Construction spoke in favor of the project and indicated he had been hired to construct a two-story, single-family home on the proposed Lot 1A.

Mr. Steven Cole was present to represent this application. Carla Slabodnic indicated that she was not opposed to zoning the property but was opposed to the proposed RS-1 zoning district.

After discussion, Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Newton, to approve this item subject to the following staff comments:

- The platting of the property will comply with all of the subdivision regulations.
- The creation of more than five lots shall require planning commission approval of the plat and development plan.

Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the rezoning was approved.

**4. Rezoning Application #9-6-19; A request by Crafton Tull & Associates, agent for SHR Chaffee Crossing, LLC, for a zone change from Not Zoned to Industrial Light (I-1) at 8601 Chad Colley Boulevard.**

**5. Development Plan #4-6-19; A request by Crafton Tull & Associates, agent for SHR Chaffee Crossing, LLC, for a development plan approval for a mini storage development at 8601 Chad Colley Boulevard.**

Chairman Keesee introduced items 4 and 5. Ms. Maggie Rice read the staff report, stating that the requested rezoning would allow the applicant to develop the property into a 950 unit mini storage facility constructed in two phases. She then stated staff recommended approval contingent on the approval of the companion development plan.

Meredith Weidner at 9508 Wey Bridge Drive raised concerns regarding the availability of knowledge of the impending rezoning and the appropriateness of the rezoning. Staff noted that in addition to mailing notification letters to property owners within 300 feet, signs were posted next to the property with information about the requested zoning and meeting date, and notices were published in the Times Record. Commissioner Ret Taylor also explained the process of sign postings, having driven by these particular postings. Staff also noted that existing Industrial Light and Industrial Moderate was adjacent to the subject property.

Connor Threet was present to represent these applications. There were none present to speak in opposition.

Chairman Keesee called for a motion on item 4—the rezoning. Kelly Wilson motioned, seconded by Commissioner Marshall to approve with staff comments. After further discussion, Chairman Keesee called for a vote. The item passed with 7 in favor and 1 abstention (Bob Cooper).

Chairman Keesee called for a motion on item 5—the development plan. Ret Taylor moved, seconded by Kelly Wilson, to approve item 5. Chairman Keesee called for a vote on the motion. The item passed with 7 in favor and 1 abstention (Bob Cooper). Approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscape plan complying with the UDO parking lot screening regulations and detailing the species and quantities shall be provided during the building permit process.
- A sign permit application for all signage must be submitted for staff review and approval. A wall signs shall not exceed 10% of the wall area on which it is located and may not exceed 4 feet in height. Any stand-alone sign must be a monument sign not exceeding 100 square feet with a maximum of 10' feet in height.
- All exterior lighting must be shielded and comply with the UDO Commercial and Outdoor lighting regulations.

#### **RECESS PLANNING COMMISSION** **CONVENE BOARD OF ZONING ADJUSTMENT**

- 6. Variance #15-6-19; A request by Ken Colley for (1) an interior side-yard setback from 10' to 0' on Lot 12A, and for Lot 12B (2) a front yard setback from 25' to 6', (3) an interior side-yard setback from 10' to 5', (4) a rear yard setback from 10' to**

**5', (5) a minimum lot area from 7,000 sf to 871 sf, (6) a minimum street frontage from 20' to 0', and (7) a minimum lot width from 50' to 24' at 2322 South 57th Street.**

Chairman Keesee introduced item 6. Ms. Brenda Andrews presented the staff report. She indicated the approval of these variances would allow the subdivision of the property into two lots. The property owner wanted to sell the building on the lot and retain ownership of an existing cell tower. She stated that the variances would allow the lot for the cell tower to be smaller than the minimum required area and bulk regulations for properties in the C-2 zoning district.

With no discussion, Chairman Keesee called for a motion. Kelly Wilson moved, seconded by Bob Cooper, to approve the requested variances with staff comments. Chairman Keesee called for a vote on the motion. The item passed with 8 in favor and none opposed. Approval is subject to the following:

- A plat must be filed with County Clerk's office.

**7. Variance #14-6-19; A request by Cary Smallwood, agent for Carrington Creek Holdings, for an exterior side-yard setback from 25' to 15' at 7100 Forest Canyon Drive.**

Chairman Keesee introduced item 7. Ms. Rice read the staff report, stating the variance would allow the installation of a storage shed. Cary Smallwood was present to represent the application, while there were none present in opposition.

There being no discussion, Chairman Keesee called for a motion. Commissioner Bob Cooper motioned to approve as written, seconded by Vicki Newton. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed.

**8. Variance #16-6-19; A request by Kevin Clauson, agent for John Paul Dean Living Trust, for (1) an interior side-yard setback from 30' to 20' and (2) from Section 27-602-4(C)(2) to reduce the High Quality Facade materials from 51% to 0% at 10220 South Highway 71.**

Chairman Keesee introduced items 8 and 9 as companion items. Ms. Rice read the staff comments, which indicated the property is zoned as Commercial Heavy SPL (C-5 Special). This zoning requires a development plan approval for the issuance of a building permit; thus, the variance would be contingent upon the approval of the companion development plan. Ms. Rice explained the variance will allow for 151 mini storage units with 9 parking spaces, landscaping, privacy fence and an office.

Kevin Clauson was present to represent these applications.

No one was present to speak in opposition of these applications.

Commissioner Taylor, seconded by Commissioner Hanna, made a motion to amend the variance to require 100% high-quality materials on the front (east) façade adjacent to Highway 71 allowing the west façade to be reduced to 0% high-quality materials on the rear façade. The motion was carried by voice vote—8 in favor and 0 opposed.

Chairman Keesee called for a motion on item 8—the variance as amended. Commissioner Wilson moved to approve with staff comments, seconded by Commissioner Newton. Chairman Keesee called for a vote. The motion passed 8 in favor, 0 opposed.

### **RECESS BOARD OF ZONING ADJUSTMENT** **CONVENE PLANNING COMMISSION**

#### **9. Development Plan #3-6-19; A request by Kevin Clauson, agent for John Paul Dean Living Trust, for a development plan approval for a mini storage development at 10220 South Highway 71.**

Chairman Keesee called for a motion on item 9—the development plan, subject to the amended variance. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve with staff comments. Chairman Keesee called for a vote. The motion passed with 8 in favor and 0 opposed. Approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan and parking lot screening plan shall be submitted for building permit review and comply with the UDO.
- Exterior lighting fixtures and plans must be submitted during the building permit review and be in compliance with the UDO.
- The privacy fence must be opaque and shall be maintained and replaced if damaged or destroyed.

#### **10. Rezoning Application #10-6-19; A request by Brett Abbott, agent for Dr. Kalyan Akkineni, for a zone change from Not Zoned to Commercial Light (C-2) by classification at 8400 Massard Road.**

Chairman Keesee introduced items 10 and 11. Ms. Andrews presented the staff report for item 10. She stated the approval of the rezoning would allow for an event center. Staff recommended approval of item 10, contingent on the approval of the companion conditional use.

Ms. Andrews then read the staff report for item 11, indicating approval would allow the construction of a 9,833 sq. ft., one story event center.

Brett Abbott was present to speak in favor of the applications. There were none present to speak in opposition.

After some discussion, Chairman Keesee called for a motion on item 10—the rezoning. Commissioner Taylor made a motion to approve with staff comments, seconded by Commissioner Newton. Chairman Keesee called for a vote. The motion passed with 6 in favor and 2 abstentions (Cooper, Keesee).

**11. Conditional Use # 10-6-19; A request by Brett Abbott, agent for Dr. Kalyan Akkineni, for an event center at 8400 Massard Road.**

Chairman Keesee called for a motion on item 11—the conditional use. Commissioner Marshall, seconded by Commissioner Taylor, to approve with staff comments. Chairman Keesee called for a vote. The motion carried—6 in favor, 2 abstentions (Cooper, Keesee). Approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscape plan complying with the UDO parking lot screening regulations and detailing the species and quantities shall be provided during the building permit process.
- A sign permit application for all signage must be submitted for staff review and approval. All wall signs shall not exceed 10% of the wall area on which they are located and may not exceed 4 feet in height. Any stand-alone signs must be monument signs not exceeding 20 square feet with a maximum of 4 feet in height.
- All exterior lighting must be shielded and comply with the UDO Commercial and Outdoor lighting regulations.

**12. Rezoning Application #11-6-19; A request by Brett Abbott, agent for Dr. Kalyan Akkineni, for a zone change from not zoned to a Planned Zoning District (PZD) at 12038 Highway 253.**

Chairman Keesee introduced items 12 and 13 as companion items. Ms. Andrews presented the staff report, indicating the property is located on the west side of Highway 253 between Karry Lane and Armistead Road. She stated that the rezoning would allow for an event center. Staff recommended approval of the rezoning contingent on the approval of the master land use plan amendment companion item, and also recommended approval of the master land use plan amendment contingent upon approval of the requested Planned Zoning District

Brett Abbott was present to speak in favor of these applications. There were none present in opposition.

Mr. Wally Bailey suggested that the PZD Booklet be amended to include interior landscaping in the parking lot. Mr. Abbott agreed.

Commissioner Taylor moved to amend, seconded by Commissioner Newton. The motion was carried by a voice vote with none in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved to approve as amended with staff comments, seconded by Commissioner Newton. Chairman Keesee called for a vote. The motion passed—8 in favor, 0 opposed.

**13. Master Land Use Plan Amendment #2-6-19; A request by Brett Abbott, agent for Dr. Kalyan Akkineni, from Extraterritorial Jurisdiction Low Density Residential (ETJ-LDR) to Extraterritorial Jurisdiction Commercial Neighborhood at 12038 Highway 253.**

Chairman Keesee called for a motion for item 13. Commissioner Newton motioned to approve with staff comments, seconded by Commissioner Taylor. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed.

**14. UDO Amendment – An amendment to Appendix A (The Land Use Chart) allowing Parking Lot (Offsite) as a Conditional Use in Residential Historic (RH) zone.**

Chairman Keesee introduced item 14. Ms. Rice read the staff report. Staff recommended the approval of this item, stating future approval of any conditional use would require both the Historic District Commission and Planning Commission approvals. Graham Sharum, Chairman of the Historic District Commission, submitted a recommendation to the Planning Commission on behalf of the Historic District Commission.

With no discussion, Chairman Keesee called for a motion. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the UDO Amendment. Chairman Keesee called for a vote. The UDO Amendment passed with 8 in favor and 0 opposed.

Mr. Wally Bailey announced his resignation and was greeted with sadness and best wishes from the planning commissioners.

There being no further business, the meeting adjourned at approximately 7:10 p.m.